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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,204	12/21/2000	Michael Wilson	003801.P009	1071

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EXAMINER	-
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PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,204

Applicant(s)

WILSON, MICHAEL

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 15-25 and 41-51 is/are allowed.
6) ☒ Claim(s) 1-4, 8-12, 14, 26-30, 37, 38, 40 and 52 is/are rejected.
7) ☒ Claim(s) 5-7, 13, 31-36 and 39 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. This communication is in response to amendment filed 11/12/2004.

Response to Amendment

2. Claims 1-4, 6, 8-11, 13-23, 26-30, 32, 34-36, 39-41, and 51-52 have been amended.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

4. Applicant's arguments with respect to claims 1-14, 26-40 and 52 have been considered but are moot in view of the new ground(s) of rejection.

5. Claims 15-25 and 41-51 are allowed.

Claim Rejections - 35 USC § 102

6. Claims 1-4, 8-12, 14, 26-30, 37, 38, 40 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Barzilai et al. (US 6,012,045).

As per claim 1, Barzilai discloses a 1. (Currently Amended)
A computer-implemented-method of communicating administrative information related to the monitoring of a network-based auction facility the method including:

Generating an administrative note pertaining to an administrator-selected aspect of an on-line auction facilitated by the network-based auction facility;

associating the administrative note with the administrator-selected aspect of the on-line auction;

(see Figures 5 and 7, an exemplary note is the automobile store (see col. 10 L 34-52) shown in Figure 5 which pertains to products displayed for sale or auction);

displaying a note indicator on a display unit of a network device to indicate an association of the administrative note with the administrator-selected aspect of the on-line auction when displaying information concerning the administrator-selected aspect on the display unit of the network device.

(see col. 10 L 34-52, note indicators are icons or graphical indicators which would allow the user to browse through the merchandising show room and select one or more items and potentially bid for the purchase).

Alternatively, claim limitations are also analyzed in similar manner to show that Figure 7 would also meet the limitations as described in col. 17 L 56- col. 18 L 46) Claim 2. wherein the administrator-selected aspect comprises a user of the network-based auction facility.

(see Figure 7 and col. 17 L 56- col. 18 L 46)

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Claim 3. wherein the administrator-selected aspect comprises an item offered for auction via the network-based auction facility.

(see Figure 5 and relevant analysis at col. 10 L 34-52)

Claim 4. The method of claim 1 including associating the administrative note with multiple administrator-selected aspects of the on-line auction.

(the merchandise show room and the store displays are associated with display and bid and purchase (auction) of the merchandise, see Fig. 5 and 7 descriptions)

Claim 8. wherein generating the administrative note includes providing a user interface via which an administrator of the network-based auction facility is prompted to identify the administrator selected aspect of the on-line auction.

(see Figures 5 and 10, shows user interface by an administrator of the auction facility is prompted is prompted to identify the administrator selected aspect of the on-line auction as discussed in prior claim analysis)

Claim 9. The method of claim 8 wherein the administrator-selected aspect comprises a user and the user interface prompts the administrator to input a user identifier.

(see Figures 5 and 10 in view of Figure 3 and L 17-60,
see membership DB Screen)

Claim 10. The method of claim 8 wherein the administrator-selected aspect comprises an item offered for auction via the network-based auction facility and the user interface prompts the administrator to input an item identifier.

(see Figure 5 and description of Figure 5)

Claim 11. wherein generating the administrative note includes calling a note function from any one of a plurality of administrative functions implemented by the network-based auction facility.

(see Figure 7, MBR data, MBR History, Rules etc.)

Claim 12. the note function comprises an API (inherent to Figure 7 which is built upon an application interface).

Claim 14. (Currently Amended) The method of claim 1 wherein displaying a note indicator comprises displaying a graphic icon adjacent a text identifier for the administrator-selected aspect.

(see Figure 5 and description of Figure 5, text identifier is next to icons).

Claim 26 is analyzed per respective method claim 1. Claims 27-30 are analyzed as per respective method claims 1-4. claim 37 is analyzed as per claim 11.

Claim 38. note function ..accessed via an API (inherent to Figure 7 which is built upon an application interface).

Claim 40 is analyzed as per respective method claim 14.

Claim 52 is analyzed as per respective method claim 1.

Allowable Subject Matter

7. Claims 5-7, 13, 31-36 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. claims 15-25 and 41-51 are allowed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jagdish N. Patel

(Primary Examiner, AU 3624)

2/10/05